

AMENDED IN SENATE JUNE 14, 2006

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3028

Introduced by Assembly Member Laird

February 24, 2006

An act to *amend Sections 14012 and 65080 of the Government Code, to amend Section 31408 of, and to add Section 31410 to the Public Resources Code, relating to coastal resources.*

LEGISLATIVE COUNSEL'S DIGEST

AB 3028, as amended, Laird. California Coastal Trail.

(1) Existing law authorizes the Legislature to transfer excess specified coastal zone property to specified agencies, including the State Coastal Conservancy, under specified circumstances.

This bill would require the Department of Transportation consistent with existing law to annually identify excess coastal zone property and provide the information to specified agencies, including the State Coastal Conservancy.

(2) Existing law requires designated transportation planning agencies to prepare and adopt a regional transportation plan that includes a policy element, an action element, and a financial element. Existing law requires the plan to be directed at achieving a coordinated and balanced regional transportation system.

This bill would require those transportation planning agencies, with jurisdiction over components of the California Coastal Trail, as specified, to coordinate with specified agencies regarding

development of the coastal trail, and to include provisions for the coastal trail in their regional transportation plans. Because the bill thereby would increase the duties of local agencies, it would impose a state-mandated local program.

(3) Existing law requires the State Coastal Conservancy, in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail. Existing law requires each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas, to the extent feasible, and consistent with their individual mandate, to cooperate with the conservancy with respect to planning and making lands available for completion of the trail.

This bill would authorize a state agency ~~providing funding for awarding grants to public agencies and nonprofit organizations~~ or issuing a permit for a development project undertaken by a public agency that is located near the California Coastal Trail, as specified, to condition the ~~funding grants~~ or the issuance of the permit upon the ~~public agency~~ accommodating development of the ~~California Coastal Trail~~ *coastal trail* or providing public access *to the trail and from the trail to the coast*. The bill would specify circumstances under which that authorization would not apply. *The bill would require the conservancy to also consult with the Department of Transportation in coordinating development of the coastal trail.*

(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) The California Coastal Act of 1976 required local
2 jurisdictions to identify an alignment for the California Coastal
3 Trail in their local coastal plans to be, ideally, continuous and
4 located along the shoreline.

5 (b) In 1999, the Governor designated the California Coastal
6 Trail as California's Millennium Legacy Trail.

7 (c) In 1999, the White House Millennium Trail Council
8 encouraged federal agencies to assist in the development of the
9 California Coastal Trail.

10 (d) ACR 20 of the 2001–02 Regular Session declared the
11 California Coastal Trail to be an official state trail and urged the
12 State Coastal Conservancy and the California Coastal
13 Commission to work collaboratively to complete the trail.

14 (e) SB 908 of the 2001–02 Regular Session (SB 908) required
15 the State Coastal Conservancy, in consultation with the
16 Department of Parks and Recreation and the California Coastal
17 Commission, to coordinate the development of the California
18 Coastal Trail.

19 (f) SB 908 authorized the State Coastal Conservancy to award
20 grants and provide assistance to public agencies and nonprofit
21 organizations to establish and expand inland trail systems that
22 may be linked to the California Coastal Trail. *Division 21*
23 *(commencing with Section 31000) of the Public Resources Code*
24 *expresses the Legislature's intent that the State Coastal*
25 *Conservancy have a principal role in the implementation of a*
26 *system of public accessways to and along the state's coastline,*
27 *and provides authority to the State Coastal Conservancy to*
28 *award grants to public agencies and nonprofit organizations to*
29 *acquire land, or any interest therein, or to develop, operate, or*
30 *manage lands for public access purposes to and along the coast,*
31 *on terms and conditions as the State Coastal Conservancy*
32 *specifies.*

33 (g) SB 908 directed state entities with property interests or
34 regulatory authority in coastal areas, to the extent feasible, and
35 consistent with their individual mandate, to cooperate with the
36 State Coastal Conservancy with respect to planning and making
37 lands available for completion of the California Coastal Trail.

38 (h) SB 908 directed that the California Coastal Trail be
39 developed in a manner that demonstrates respect for property

rights and nearby residential uses, and consideration for the protection of the privacy of adjacent property owners.

SEC. 2. Section 14012 of the Government Code is amended to read:

14012. (a) The director may sell or lease excess right-of-way parcels to municipalities or other local agencies for public purposes, and may accept as all or part of the consideration for such sale or lease any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs ~~which~~ *that* would otherwise be the obligation of the state.

(b) *Consistent with Section 9 of Article 19 of the California Constitution, the department shall annually identify excess property in the coastal zone, as defined in Section 30103 of the Public Resources Code, and provide the information to the State Coastal Conservancy, the Department of Parks and Recreation, the Wildlife Conservation Board, and the Department of Fish and Game.*

SEC. 3. Section 65080 of the Government Code is amended to read:

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall include all of the following:

(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and

1 policy statements shall be consistent with the funding estimates
2 of the financial element. The policy element of transportation
3 planning agencies with populations that exceed 200,000 persons
4 may quantify a set of indicators including, but not limited to, all
5 of the following:

6 (A) Measures of mobility and traffic congestion, including, but
7 not limited to, vehicle hours of delay per capita and vehicle miles
8 traveled per capita.

9 (B) Measures of road and bridge maintenance and
10 rehabilitation needs, including, but not limited to, roadway
11 pavement and bridge conditions.

12 (C) Measures of means of travel, including, but not limited to,
13 percentage share of all trips (work and nonwork) made by all of
14 the following:

15 (i) Single occupant vehicle.

16 (ii) Multiple occupant vehicle or carpool.

17 (iii) Public transit including commuter rail and intercity rail.

18 (iv) Walking.

19 (v) Bicycling.

20 (D) Measures of safety and security, including, but not limited
21 to, total injuries and fatalities assigned to each of the modes set
22 forth in subparagraph (C).

23 (E) Measures of equity and accessibility, including, but not
24 limited to, percentage of the population served by frequent and
25 reliable public transit, with a breakdown by income bracket, and
26 percentage of all jobs accessible by frequent and reliable public
27 transit service, with a breakdown by income bracket.

28 (F) The requirements of this section may be met utilizing
29 existing sources of information. No additional traffic counts,
30 household surveys, or other sources of data shall be required.

31 ~~(G) For the region defined in Section 66502, the indicators~~
32 ~~specified in this paragraph shall be supplanted by the~~
33 ~~performance measurement criteria established pursuant to~~
34 ~~subdivision (c) of Section 66535, if that subdivision is added to~~
35 ~~the Government Code by Section 1 of Senate Bill 1995 of the~~
36 ~~1999-2000 Regular Session.~~

37 (2) An action element that describes the programs and actions
38 necessary to implement the plan and assigns implementation
39 responsibilities. The action element may describe all projects
40 proposed for development during the 20-year life of the plan.

1 The action element shall consider congestion management
2 programming activities carried out within the region.

3 (3) (A) A financial element that summarizes the cost of plan
4 implementation constrained by a realistic projection of available
5 revenues. The financial element shall also contain
6 recommendations for allocation of funds. A county transportation
7 commission created pursuant to ~~Section 130000~~ *the County*
8 *Transportation Commissions Act (Division 12 (commencing with*
9 *Section 130000)* of the Public Utilities Code) shall be responsible
10 for recommending projects to be funded with regional
11 improvement funds, if the project is consistent with the regional
12 transportation plan. The first five years of the financial element
13 shall be based on the five-year estimate of funds developed
14 pursuant to Section 14524. The financial element may
15 recommend the development of specified new sources of
16 revenue, consistent with the policy element and action element.

17 (B) The financial element of transportation planning agencies
18 with populations that exceed 200,000 persons may include a
19 project cost breakdown for all projects proposed for development
20 during the 20-year life of the plan that includes total expenditures
21 and related percentages of total expenditures for all of the
22 following:

- 23 (i) State highway expansion.
- 24 (ii) State highway rehabilitation, maintenance, and operations.
- 25 (iii) Local road and street expansion.
- 26 (iv) Local road and street rehabilitation, maintenance, and
27 operation.
- 28 (v) Mass transit, commuter rail, and intercity rail expansion.
- 29 (vi) Mass transit, commuter rail, and intercity rail
30 rehabilitation, maintenance, and operations.
- 31 (vii) Pedestrian and bicycle facilities.
- 32 (viii) Environmental enhancements and mitigation.
- 33 (ix) Research and planning.
- 34 (x) Other categories.

35 (c) Each transportation planning agency may also include
36 other factors of local significance as an element of the regional
37 transportation plan, including, but not limited to, issues of
38 mobility for specific sectors of the community, including, but not
39 limited to, senior citizens.

(d) Each transportation planning agency shall adopt and submit, every three years, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. The plan shall be consistent with federal planning and programming requirements. A transportation planning agency that does not contain an urbanized area may at its option adopt and submit a regional transportation plan once every four years beginning by September 1, 2001. Prior to adoption of the regional transportation plan, a public hearing shall be held, after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

(e) Each transportation planning agency, with jurisdiction over components of the California Coastal Trail located within the coastal zone as defined in section 30103 of the Public Resources Code, shall coordinate with the State Coastal Conservancy, the California Coastal Commission, and the Department of Transportation regarding development of the California Coastal Trail, and each transportation planning agency shall include provisions for the California Coastal Trail in its regional transportation plan.

SEC. 4. Section 31408 of the Public Resources Code is amended to read:

31408. (a) The conservancy shall, in consultation with the Department of Parks and Recreation, ~~and the California Coastal Commission, and the California Department of Transportation,~~ coordinate the development of the California Coastal Trail.

(b) To the extent feasible, and consistent with their individual mandates, each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas shall cooperate with the conservancy with respect to planning and making lands available for completion of the trail, including constructing trail links, placing signs and managing the trail.

SEC. 5. Section 31410 is added to the Public Resources Code, to read:

31410. (a) A state agency awarding grants to public agencies and nonprofit organizations may condition the grant upon the agency or organization accommodating development of

1 *the California Coastal Trail or providing public access to the*
2 *trail and from the trail to the coast.*

3 *(b) A state agency issuing a permit for a project described in*
4 *paragraph (2) of subdivision (e) may condition the issuance of*
5 *the permit upon the public agency accommodating development*
6 *of the California Coastal Trail or providing public access to the*
7 *trail and from the trail to the coast.*

8 *(c) Subdivision (b) shall not apply if the project does not*
9 *qualify as a new development project for the purposes of Section*
10 *30212.*

11 *(d) Subdivisions (a) and (b) shall not apply under any of the*
12 *following conditions:*

13 *(1) The state agency providing funding or issuing the permit*
14 *has determined that a superior alternative exists for the*
15 *uncompleted California Coastal Trail or access to the coast.*

16 *(2) The public agency would be required to invoke eminent*
17 *domain in order to comply with a permit or funding condition*
18 *imposed pursuant to subdivision (a) or (b).*

19 *(e) For the purposes of this section, the following definitions*
20 *apply:*

21 *(1) "Accommodating development" means providing*
22 *dedicated easements, rights of way, or other means to provide*
23 *public access to the trail.*

24 *(2) "Project" means a development project undertaken by a*
25 *public agency that is located adjacent to or along an*
26 *uncompleted portion of the California Coastal Trail.*

27 *(f) This section does not diminish or abridge a public agency's*
28 *existing expressed or implied authority or otherwise relieve*
29 *public agencies of the duty to comply with any other applicable*
30 *legal requirements.*

31 *SEC. 6. If the Commission on State Mandates determines that*
32 *this act contains costs mandated by the state, reimbursement to*
33 *local agencies and school districts for those costs shall be made*
34 *pursuant to Part 7 (commencing with Section 17500) of Division*
35 *4 of Title 2 of the Government Code.*

36 ~~SEC. 2. Section 31410 is added to the Public Resources~~
37 ~~Code, to read:~~

38 ~~31410. (a) A state agency providing funding for or issuing a~~
39 ~~permit for a project described in paragraph (2) of subdivision (e)~~
40 ~~may condition the funding or the issuance of the permit upon the~~

1 ~~public agency accommodating development of the California~~
2 ~~Coastal Trail or providing public access from the trail to the~~
3 ~~coast.~~

4 ~~(b) This section shall not apply under any of the following~~
5 ~~conditions:~~

6 ~~(1) The project is exempt from coastal development permit~~
7 ~~requirements.~~

8 ~~(2) The project does not qualify as a new development project~~
9 ~~for the purposes of Section 30212.~~

10 ~~(3) The state agency providing funding or issuing the permit~~
11 ~~has determined that a superior alternative exists for the~~
12 ~~uncompleted California Coastal Trail or access to the coast.~~

13 ~~(4) The public agency would be required to invoke eminent~~
14 ~~domain for the purposes of this section.~~

15 ~~(e) For the purposes of this section, the following definitions~~
16 ~~apply:~~

17 ~~(1) “Accommodating development” means providing~~
18 ~~dedicated easements, rights of way, or other means to provide~~
19 ~~public access to the trail.~~

20 ~~(2) “Project” means a development project undertaken by a~~
21 ~~public agency that is located adjacent to or along an uncompleted~~
22 ~~portion of the California Coastal Trail, that could provide public~~
23 ~~access to the trail, or that could provide public access from the~~
24 ~~trail to the coast.~~